

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

GERALD L. DAMIANO,

No. C 14-02863 LB

Plaintiff,

**ORDER DENYING AS MOOT
PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS**

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

On June 20, 2014, Plaintiff Gerald L. Damiano filed a complaint against Defendants City and County of San Francisco and San Francisco Municipal Transportation Agency. Complaint, ECF No. 1. At the same time, he also filed an application to proceed in forma pauperis. IFP Application, ECF No. 3.

His application was incomplete. On July 3, 2014, the court ordered Mr. Damiano to file an amended IFP application by Monday, July 14, 2014. Order, ECF No. 6. However, on July 7, 2014, Mr. Damiano submitted the filing fee of \$400.00. For this reason, the court denies Mr. Damiano's IFP application as moot.

Additionally, the court reminds Mr. Damiano that Rule 4(m) of the Federal Rules of Civil Procedure requires a plaintiff to serve a defendant within 120 days after it files the complaint. A court must dismiss a case without prejudice if a plaintiff has not complied with this provision unless the plaintiff shows good cause for its failure to serve a defendant. Fed. R. Civ. P. 4(m). Here, this

1 means that Mr. Damiano must serve both Defendants City and County of San Francisco and San
2 Francisco Municipal Transportation Agency by October 18, 2014.

3 **IT IS SO ORDERED.**

4 Dated: July 16, 2014



5 LAUREL BEELER
6 United States Magistrate Judge
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